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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/666,801	09/21/2000	Masato Tsukada	Q60955	6884
7590 12/13/2004 Sughrue Mion Zinn MacPeak & Seas PLLC 2100 Pennsylvania Avenue N W Washington, DC 20037-3213			EXAMINER GRANT II, JEROME	
			ART UNIT 2626	PAPER NUMBER

DATE MAILED: 12/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/666,801	Applicant(s) TSUKADA, MASATO	
	Examiner Jerome Grant II	Art Unit 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-14 is/are allowed.
- 6) ☒ Claim(s) 1, 6, 7, 10 and 15 is/are rejected.
- 7) ☒ Claim(s) 2-5, 8 and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

[Handwritten Signature]
JEROME GRANT II
Examiner

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are unknown since none were set forth.

1.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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Claims 1, 6, 7 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakajima.

With respect to claims 1 and 7 Nakajima teaches an automatic color correction apparatus for performing the correction method as claimed. The apparatus 1 for performing the method is shown in figure 1, for carrying out color correction upon a specific object (referred to at col. 12, lines 25-30), said apparatus comprising an object color information memory 24 for memorizing color adjustment parameters (such as the hue parameter) obtained by splitting a hue distribution region. See figure 34 for three split hue regions, (red, green and blue) and the distribution frequency (shown from a low scale to a high scale) concerning a specific object (911) referred to at col. 10, line 60-67. Nakajima teaches an extracting means (via process parameter switch 132 for extracting a specific color of the object 911. Nakajima teaches memory 24 as the color correction parameter memory, see col. 11, lines 45-50. Nakajima teaches performing color correction on the specific hue according to the current address information and adjustment range of the object. See col. 11, lines 30-36.

With respect to claim 6, Nakajima teaches a memory 24 for memorizing plural kinds of sample objects 911 including a manual color correction processing means (via input device 5 where an operator can input data) through an external instruction (outside

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apparatus 1) shown by figure 1. Nakajima teaches entering color information through input device 5 for generating color parameters which are stored in memory 24.

With respect to claim 10, Nakajima teaches an application 2 which is a recording means for storing a program for carrying out color correction upon a specific object (referred to at col. 12, lines 25-30), the application stores a program comprising an object color information memory 24 for memorizing color adjustment parameters (such as the hue parameter) obtained by splitting a hue distribution region. See figure 34 for three split hue regions, (red, green and blue) and the distribution frequency (shown from a low scale to a high scale) concerning a specific object (911) referred to at col. 10, line 60-67. Nakajima teaches an extracting means (via process parameter switch 132 for extracting a specific color of the object 911. Nakajima teaches memory 24 as the color correction parameter memory, see col. 11, lines 45-50. Nakajima teaches performing color correction only on the specific hue according to the current address information and adjustment range of the object. See col. 11, lines 30-36. See also figure 34.

With respect to claim 15, Nakajima teaches a correction method for carrying out correction using color (color adjustment parameters such as the hue parameter) obtained by splitting a hue distribution range.

2.

Claims Objected

Claims 2 –5, 8 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

3.

Claims Allowed

Claims 11 and 12 are allowed for the reason the prior art does not teach or suggest color correction parameter determining means for determining an optimum color correction parameter for said representative color based on color correction parameter assigned to a image of color distribution of said specific object may have....”

Claims 13 and 14 are allowed for the reason the prior art does not teach or suggest in claimed combination, determining an optimum color correction parameter for said

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representative color based on color correction parameters assigned to a range of distribution of the color that said specific object may have....”

4.

Examiner's Remarks

With respect to applicant's argument found at the bottom of page 13, applicant argues that Nakajima does not suggest an object information memory for memorizing split hue regions. The examiner respectfully disagrees. The examiner relied upon memory 24 as the means for memorizing the split hue regions. Applicant has not provided a rationale as to why memory 24 could not serve as the means. In the middle of page 14, applicant states that Nakajima fails to suggest representative color extracting means. The examiner respectfully disagrees. The examiner has set forth this limitation in the rejection. Namely, Nakajima teaches an extracting means (via process parameter switch 132) for extracting a specific color of the object 911. Applicant argues that switch 132 is unrelated to color extraction. In response thereto, the examiner relies upon the specific disclosure found at paragraph 132 of the specification of Nakajima, the reference teaches:

An adjusting color parameter memory 24 stores a color adjusting parameter which is pre-computed in compliance with the general map according to the address in the general map, and gives, to the adjusting color converter 21, *the color adjusting parameter corresponding to the address provided by the color processing parameter switch 132. The color adjusting parameter is stored according to the type of the object to be adjusted on the basis of tint parameter and value/contrast parameter.*

Hence, applicant's assertion that the switch is unrelated to color is not correct. The object is adjusted on the basis of tint and the switch 132 facilitates that.

At the bottom of page 14, applicant contends that Nakajima fails to suggest a color correction parameter determining means for determining, from memory content, an optimum color correction parameter.

Applicant's argument at page 14 states that Nakajima does not suggest a color correction parameter determining means for determining, from the memory content an optimum correction parameter. In support thereof, applicant states that the image is selected by a user hence it is not based on memory content. But a user could rely on data stored in memory to make adjustments to a correction parameter until the user finds a correction parameter that works optimally for him or her.

5.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

6.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome Grant II whose telephone number is 703-305-4391. The examiner can normally be reached on Mon.-Fri. from 9:00 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A Williams, can be reached at 703-305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

J. Grant II
JEROME GRANT II
EXAMINER